

In The United States District Court
For The Southern District of Texas
Houston Division

United States Courts
Southern District of Texas
FILED

APR 27 2020

David J. Bradley, Clerk of Court

Kenneth Sowell
Plaintiff.

Civil No.

V.

Texas Department of
Criminal Justice

and

Estelle Medical Department

Complaint

Comes now Kenneth Sowell Plaintiff
and files this his complaint and would
show the court the following in support

(1). This action is brought Pursuant
to 42 U.S.C. Section 1983 to remedy the
Deprivation, under color of State law, of
Rights guaranteed by the Eighth and
fourteenth amendments to the United
States constitution.

(2). This court has jurisdiction over
this action Pursuant to 28 U.S.C Sections
1331 and 1343

(3). Plaintiff's claims for injunctive
Relief is authorized by Rule 65 of the
Federal Rules of Civil Procedure.

(4). The Texas Department of criminal justice and the Estelle Medical Department are Deliberately Indifferent to my serious medical needs in that both entities have knowledge of the wide spread of the corona virus and Death of an inmate on the Estelle unit

(5). In Light of the foregoing the Defendants have failed to provide testing for all inmates to prevent the ongoing spread of the virus.

(6). The Defendants wait until an inmate show or display symptoms of the virus such as a fever and Respiratory Problems before separating them from other inmates. The Delay in testing only allows the virus to spread to other inmates.

(7). By not testing all inmates the Defendants is subjecting me and all inmates to cruel and unusual Punishment in Violation of my civil Rights under the 8th and 14th amendment of the United States constitution.

(8). Your Honor on April 23, 2020 Inmates from the Beto one Unit who were confirm of having the corona virus was Placed, transfered to this unit, Estelle Unit and Housed with General Population inmates on C-2-wing, which is Directly across from my wing.

(9). Also on April 23, 2020 the Estelle unit attempted to Place the inmates that were transferred from the Beto unit in the Gym, but the officers that work in the South Side Gym Refused to allow or except the Suspected and or confirmed inmates to be Housed in the Gym around them, So the Estelle Unit Housed the inmates on C-2-wing with inmate who are not Sick.

(10). Your Honor if the officers Refused to have the Suspected inmates in the South gym, why Put the Suspected inmates around others who Dont have the Virus? This is Reckless Disregard to everyone's health and Safety.

Imminent Danger

(11). The Defendants have Place my life and others in imminent Danger Lewis v. Sullivan, 279 F.3D 526, 531, (7th Cir 2002). By not testing all inmates and by Housing other Suspected and or confirmed inmates with inmates who Dont have the Virus, the Virus will not be Contained, it will continue to Spread

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(2). This virus is fatal, if these suspected and or confirmed inmates are not separated from those who don't have the virus there is about to be many more deaths here on this unit

Prayer

Plaintiff Respectfully Pray that this Honorable court enter an injunction ordering the Defendants to test all inmates, and to separate those inmates who were suspected or confirmed with the virus that were transferred from Beto one unit That these inmate be housed in a separate facility.

Respectfully Submitted
Kenneth Sowell
Estelle Unit E2
264 FM 3478
Huntsville, Tx 77320

Signed this 24th Day of April